

PATENT APPLICATION

042390.P9690

Remarks

Claims 1 - 3, 7 - 9, 13 - 15, 19 - 21, and 25 - 27 are amended. Claims 4 - 6, 10 - 12, 16 - 18, 22 - 24 and 28 - 30 are cancelled. Claims 1 - 3, 7 - 9, 13 - 15, 19 - 21, and 25 - 27 are pending. Entry of this After Final amendment, and reexamination and reconsideration of this application are respectfully requested.

In the May 12 Final Action, the Examiner objected to claims 5, 11, 17, 23 and 29 as depending from a rejected base claim but deemed these claims allowable if rewritten in independent for to include all limitations of the rejected base claim and any intervening claims. The applicants have amended the independent claims 1, 7, 13, 19 and 25 to include what the applicants believe to be allowable subject matter in the objected claims. Accordingly, the applicants respectfully submit that no new issues of patentability are raised and that entry of this After Final amendment would be appropriate.

The Examiner objected to the phrase "selecting" or "select a port in the aggregation of ports" recited in claims 1, 2, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 25, 26 and 27. Claims 5 and 11 have been cancelled. The relevant phrase in each of claims 1, 7, 13, 19 and 25 has been deleted. The relevant phrase in claims 9, 15, 21 and 27 has been amended to recite "one port in the aggregation of ports." Accordingly, the applicants respectfully submit that this objection has been addressed.

The Examiner objected to the phrase "third MAC device" in claim 5. Claim 5 has been cancelled and this objection is now moot.

The Examiner objected to the phrase "the first MAC device" in claim 6. Claim 6 has been cancelled and this objection is now moot.

The Examiner objected to the phrase "the destination address" in claim 7. This phrase has been replaced with the phrase "one of said plurality of destination addresses" to more clearly set out the intended antecedent basis.

The Examiner objected to the phrase "a destination address" in claims 9 and 27. This phrase has been replaced with the phrase "the destination address" to more clearly set out the intended antecedent basis.

The Examiner objected to the phrase "a match with one of a port and aggregation of ports" in claim 25. This phrase has been amended to read "a match with an associated one of a port and aggregation of ports." Accordingly, the applicant respectfully submits that this objection has been addressed.

The Examiner rejected claims 1 – 3, 6 – 9, 12 – 15, 18 – 22, 24 – 28 and 30 as being anticipated by U.S. Patent No. 5,491,594 to Oliver et al. (the "694 patent") under 35 USC § 102 (b). This rejection is respectfully traversed.

While the Examiner objected to claims 5, 11, 17, 23 and 29 as depending from rejected base claims, the Examiner deemed that these claims recite allowable subject matter. The applicants have cancelled these claims and have incorporated what is believed to be the allowable subject matter in the remaining independent claims. For example, claim 1 now recites:

logic to receive a message specifying a destination data switch associated with the destination address of the received data frame;

logic to associate in the data structure the destination address of the received data frame with a transmitting port of the switching fabric based upon the destination data switch; and

logic to suspend a transition for transmission of subsequent data frames to the destination address of the received data frame through a data path including the

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transmitting port to ensure a delay from a transmission of a last data frame according to the spanning tree protocol to a transmission of a first data frame through the data path.

Accordingly, the applicants respectfully submit that claim 1, and claims 2 and 3 depending therefrom, distinguish over the '694 patent. The remaining claims recite limitations similar to those in claim 1 which are quoted above. Accordingly, the applicants respectfully submit that these claims similarly distinguish over the '694 patent.

The applicant respectfully submits that the application is now in form for allowance. Entry of this After Final amendment and reconsideration of this case is respectfully requested. Please charge Deposit Account #02-2666 for any fee payment deficiencies associated with this case. If the Examiner finds that this case is in any way not in proper form for allowance, the applicant requests that the Examiner contact the applicants' representative at (310) 252-7621.

Respectfully submitted,

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by 

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